

PORSF 11.3.17.1 v.1
6/30/08

Doc No. 19

USEPA SF



1363965

APPLICATION
NUMBER

0 0 5 2 3 3

APPLICANT NAME

F R E D O E V I N E
DIVING AND SALVAGE

WATERWAY

W I L L A M E T T E R I V E R

RIVER MILE

0 0 8 0

ISSUE DATE

0 5 5 U L 8 4

EXPIRATION DATE

3 1 J U L 8 9

TYPE OF WORK

O R D D P O

PHOTOS ON FILE

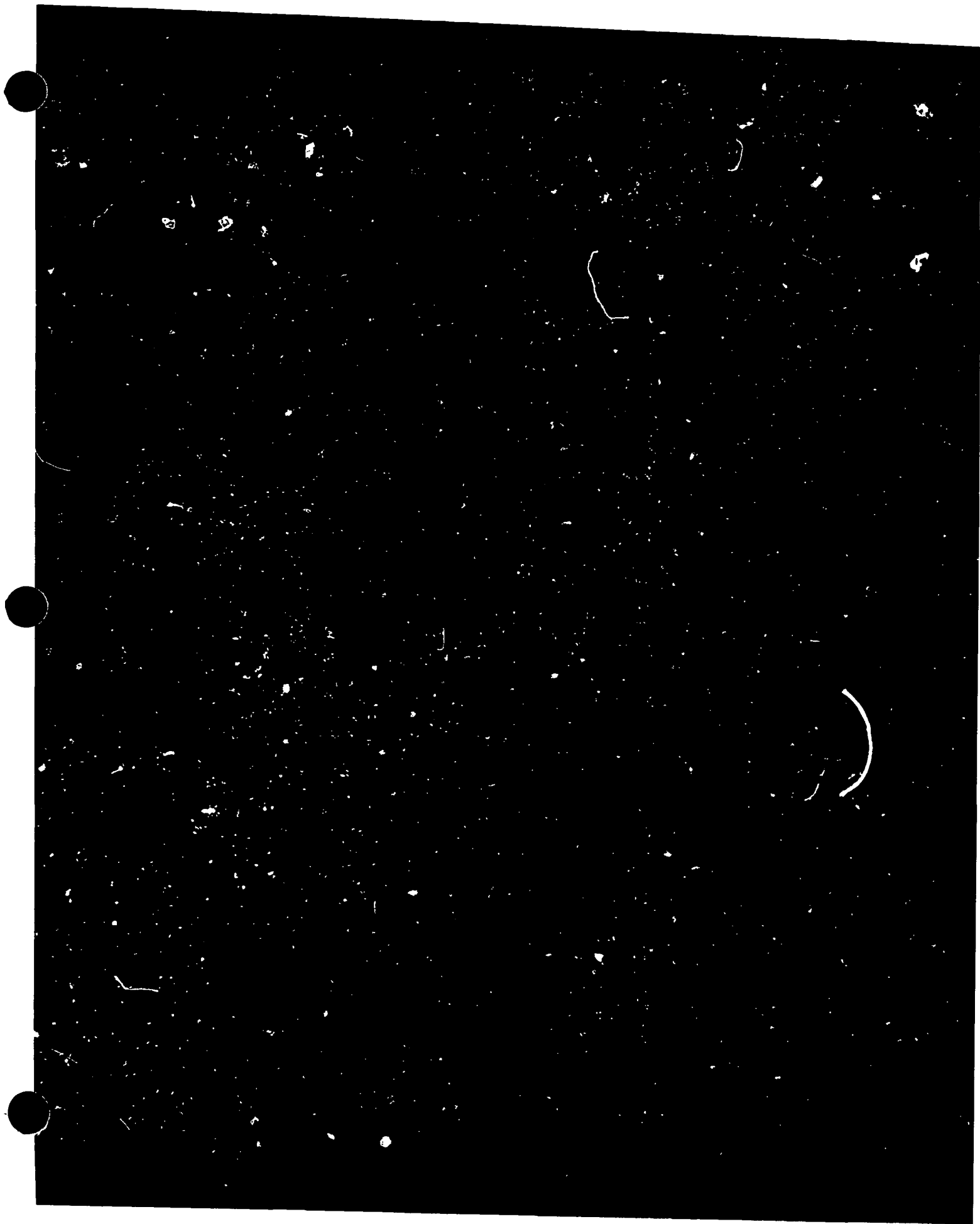


COUNTY

M U L T N O M A H

PROJECT
MANAGER

M A R G



(No Action
CO)

INSPECTION RECORD

FOR

PERMITTED WORK IN NAVIGABLE WATERS
NORTH PACIFIC DIVISION, CORPS OF ENGINEERS

District Portland

Permit No. 071-OYA-1-005233
Permittee Fred Devine Diving
and Salvage

Date of Inspection 9/5/85

Inspector Gregory L. Cutler

Waterway Willamette River
WRM 8:0

Type of Work Maintenance Dredging
and Commercial Moorage (Revised)

STATUS

Work Completed Yes X No Not Sure

Estimated Percent Complete 85 X Unknown

Work in Progress Yes X No

COMPLIANCE

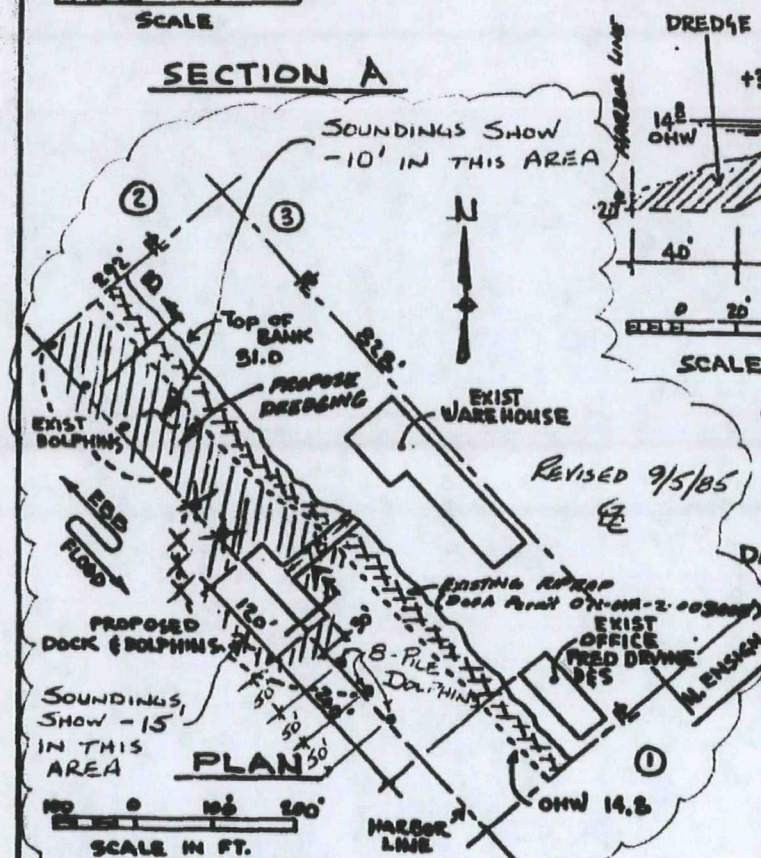
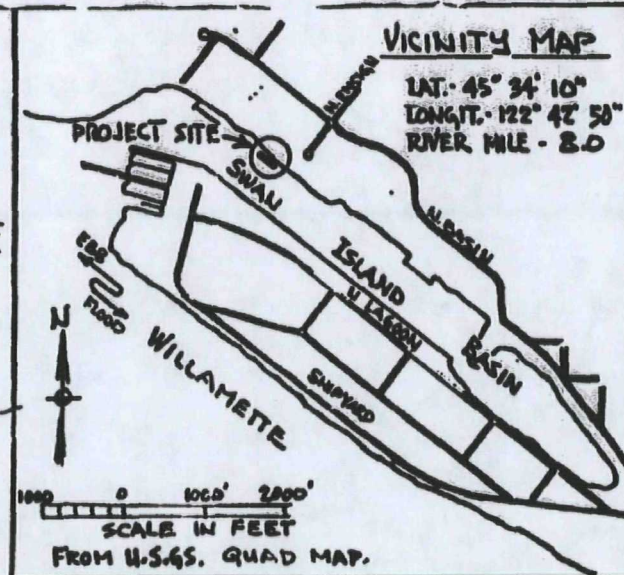
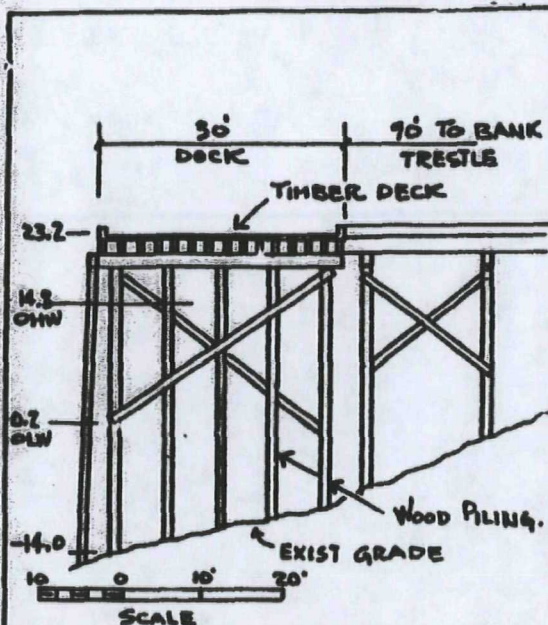
Completed Entire Scope of Permitted Work Yes Apparently X No

Standard Conditions: X Yes Apparently No Doubtful

Special Conditions: X Yes Apparently No Doubtful

Permit Dwg: Yes Apparently X No

Comments: Soundings within the indicated maintenance dredging areas showed depths of 10'-15' deep which is 5'-10' higher than is shown on the permit drawings indicating that dredging probably has not been done recently. The "T" type dock is complete and of the approximate size indicated in the permit. However, it extends 108' into the river, not 120' as permitted. Three 8-pile dolphins were installed south of the new dock in place of the two 5-pile dolphins and the other two 5-pile dolphins north of the dock were not installed according to a spokesperson for Fred Devine Diving and Salvage. Other existing piling and floats were found at the site, not shown on the permit drawing which were confirmed to be existing by the spokesperson and permitted under ACOE Permit Nos. 001362 or 002357. Photo No. 1-6 is looking NW at the three new 8-pile dolphins at the south end of the site and "T" type dock also showing the other existing piles and floats mentioned. Photo No. 1-7 is looking NW from up on the new dock down at the existing floating walkway, piles and dolphins north of the new dock. See the MPD Form 288 (Rev) attached red-lined copy of the permit drawing for the changes May 77 found.



ADJACENT PROPERTIES:

- ① CROWLEY MARITIME CORP.
- ② U.S. NAVAL RESERVE
- ③ UNITED PARCEL SERVICE

DATUM: COLUMBIA RIVER DATUM.

PROPOSED DOCK & DOLPHINS
IN: WILLAMETTE RIVER, RIVER: 8.0
MILE: 8.0
WITHIN: SWAN ISLAND LAGOON
COUNTY: MULTNOMAH
APPLICANT: FRED DYNE DWING
& SAWYER
DATE: 21 DEC. 1983 SHEET: 1001

Application No. 071-OYA-1 05233
Name of Applicant FRED DEVINE DIVING & SALVAGE
Effective Date 5 July 1984
Expiration Date (if applicable) 31 July 1989

**DEPARTMENT OF THE ARMY
PERMIT**

Referring to written request dated January 19, 1984 for a permit to:
() Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 409);
() Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);
() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 Stat. 1062; P.L. 85-532);

Fred Devine Diving & Salvage
6211 N. Ensign
Portland, Oregon 97217

is hereby authorized by the Secretary of the Army:
to accomplish maintenance dredging and construct a commercial moorage for the purpose of providing moorage and adequate water depth for a tug boat and other commercial vessels. The work is to consist of the following:

- a. Annually dredge, by clamshell dredge, up to 1,000 cubic yards of material.
- b. The dredged material will be deposited on upland property and/or removed to the previously approved (Permit No. 071-OYA-1-000488) Swan Island.

In Willamette River, Mile 8, in Swan Island Basin.

(Cont'd on page 1a)

At Portland, Oregon.

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (see drawings, give file number or other definite identification marks.)

005233(Willamette River - Maintenance Dredging & Commercial Moorage)REVISED

subject to the following conditions:

1. General Conditions:

- a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of this permit and constitute of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth herein specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1721, Sep 82

EDITION OF 1 JUL 77 IS OBSOLETE



b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1053), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before _____ day of _____, 19_____, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

II. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

a. All construction debris will be disposed of on land in such a manner that it cannot enter the waterway.

b. All piling and lumber treated with creosote or other protective material will be completely dry before use in or near the waterway.

c. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

d. All areas along the bank, disturbed or newly created by the construction activity, will be seeded, sodded, revegetated, or given some other equivalent type of protection against subsequent erosion.

e. Work in the waterway will be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.

f. Land disposal of dredged material will be accomplished behind adequately maintained protective berms, which will prevent the material from returning to the waterway.

g. If a bucket dredge of any type, including but not limited to, grab or clamshell, dipper, dragline, or backhaul bucket is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area, except as approved.

h. The disposal area, method of disposal, or method of dredging will not be changed without prior written approval of the District Engineer.

i. If the permittee, during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the District Engineer.

The following Special Conditions will be applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

- a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structure or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
- b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.
- c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
- d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
- e. **Structure for Small Boats:** That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING:

- a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (ten years unless otherwise indicated);
- b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

- a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 304(b) of the Clean Water Act and published in 40 CFR 230;
- b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.
- c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:

- a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 230-223.
- b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or disposal of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Ripie Levine Stambough
PERMITTEE

6-29-84
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY.

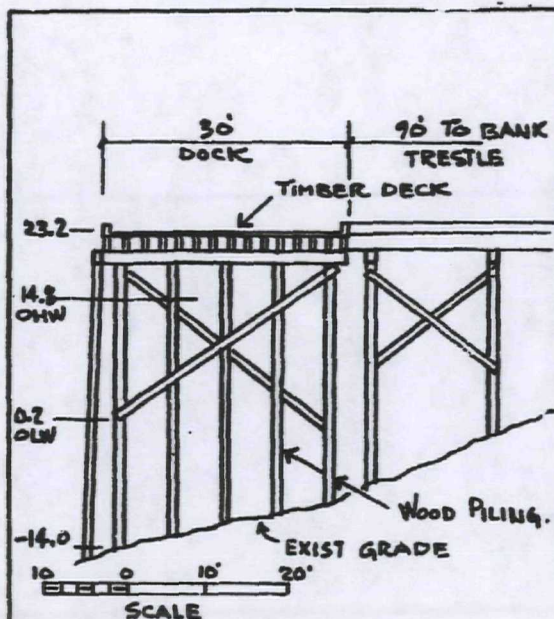
W. L. Friedewald
Colonel, Corps of Engineers
DISTRICT ENGINEER,
U.S. ARMY, CORPS OF ENGINEERS

5 July 1984
DATE

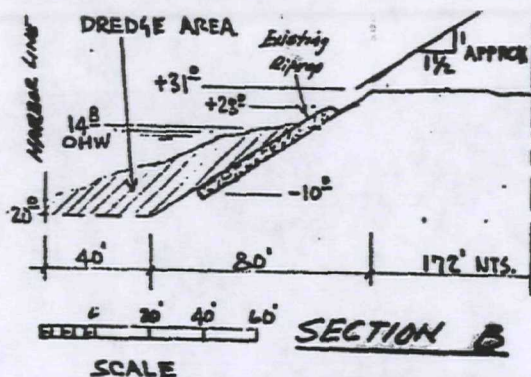
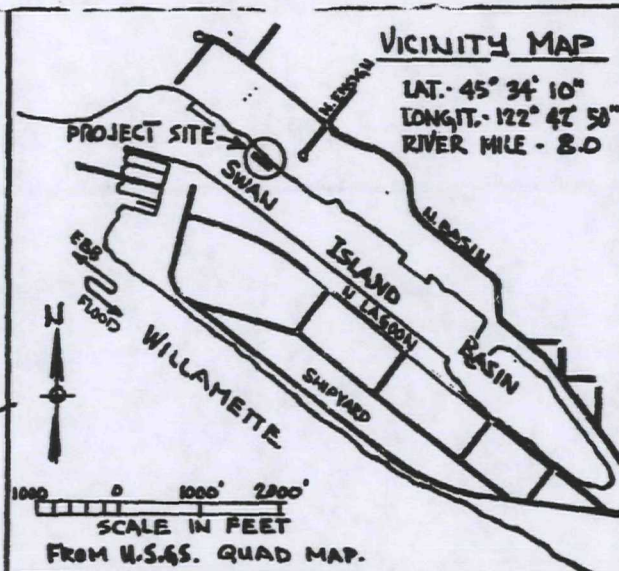
Transferee hereby agrees to comply with the terms and conditions of this permit.

TRANSFEEE

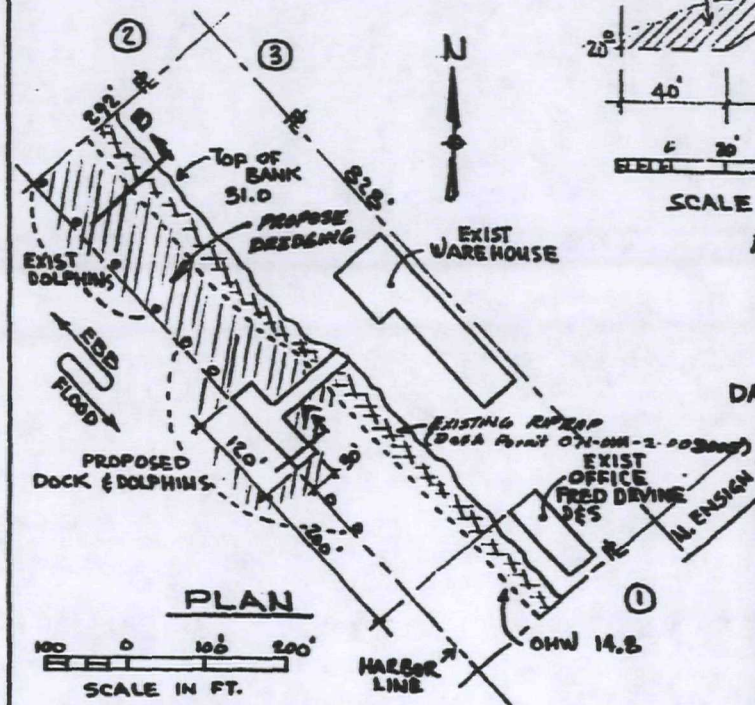
DATE



SECTION A



SECTION B



PLAN

ADJACENT PROPERTIES:

- ① CROWLEY MARITIME CORP.
- ② U.S. NAVAL RESERVE
- ③ UNITED PARCEL SERVICE

DATUM: COLUMBIA RIVER DATUM.

PROPOSED DOCK & DOLPHINS
 IN: WILLAMETTE RIVER, RIVER MILE: 8.0
 WITHIN: SWAN ISLAND LAGOON
 COUNTY: MULTNOMAH
 APPLICANT: FRED DEVINE DRYING & SALVAGE
 DATE: 21 DEC. 1983 SHEET: 1 of 1

**STATEMENT OF FINDINGS
FINAL ENVIRONMENTAL ASSESSMENT
and
FINDING OF NO SIGNIFICANT IMPACT**

Reference No: 071-OYA-1-005233
(Willamette River - Maintenance Dredging &
Commercial Moorage)

Concerning issuance of Department of the Army permit:

APPLICABLE STATUTORY AUTHORITY OR AUTHORITIES:

- (X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403):
- () Discharge dredged or fill material into waters of the United States, upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers, pursuant to Section 404 of the Clean Water Act (P.L. 95-217):
- () Transport dredged material for the purpose of dumping it into ocean waters, upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers, pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532):

APPLICANT: Fred Devine Diving & Salvage
6211 N. Ensign
Portland, Oregon 97217

LOCATION: Willamette River, Mile 8, in Swan Island Basin, Multnomah County, Portland, Oregon.

WORK: The applicant proposes to accomplish maintenance dredging and construct a commercial moorage. The work will require the following:

- a. The annual clamshell maintenance dredging of up to 1,000 cubic yards of silty sand (removing up to 5,000 cubic yards over the 5-year life of the permit).
- b. The dredged material will be deposited on the applicant's upland property and/or removed to the previously approved (Permit No. 071-OYA-1-006488) Swan Island Lagoon disposal site.
- c. The dredging is a revalidation of Department of the Army Permit No. 071-OYA-2-003005 which was issued for maintenance dredging and bank protection.
- d. A "T" type dock will be built extending 120 feet into the river from the bank. The working surface of the dock will be 120 feet long, 30 feet wide, and at an elevation of 23 feet (CRD).
- e. Four 5-pile dolphins will be driven, two on each side of the dock.

PURPOSE: (Per Applicant) To provide the following:

- a. Adequate water depth for the applicant's tugboat and other commercial vessels.
- b. Moorage for the applicant's tug and other commercial vessels.

FINDINGS:

a. I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application, as well as the stated views of other interested Federal, state, and local agencies and the concerned public, relative to the described work in waters of the United States.

b. All factors relevant to the proposed work have been considered in accordance with regulations published in 33 CFR 320 and 320-330.

c. The following is considered pertinent in evaluation of this work and in consideration of comments received from coordinating revised public notice dated 6 February 1984.

(1) Federal Agencies. Region X of the Environmental Protection Agency, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service have no objection to the project.

(2) State and Local Agencies. The Governor of Oregon, speaking for all State agencies including the Department of Fish and Wildlife, approves the project subject to the conditions outlined in Material Removal Permit No. 1359, issued by the Division of State Lands.

(b) No other state or local agencies responded to the public notice.

(3) Individuals and Organized Groups. No responses have been received.

(4) Other Considerations. The applicant will benefit from the work by providing moorage for the applicant's tug and other vessels.

d. Environmental Assessment.

(1) Temporary turbidity is anticipated during construction and dredging but it is not expected to be of sufficient magnitude or duration to have a significant adverse effect on fish and other aquatic life forms.

(2) The project is not expected to usurp any public rights to navigation or recreation, nor is it expected to have a significant adverse effect on the area's scenic value.

(3) There are no known archaeological or historic sites in the area to be affected by the project.

(4) Comments received from Federal, State, and local governmental resource agencies indicate no objection to the project with respect to fish and wildlife values, water quality, water supply, aesthetics, economics, and other general environmental concerns.

(5) The area in which the project is to be located is within the Swan Island basin on the northeast side. The Swan Island area, in general, is highly developed. There are dry docks at the downstream end of the Swan Island and various port facilities along the length of the island. The construction of another dock and associated dredging would cause only minimal effects on fish and wildlife values in the area.

(6) In balance, adverse effects are acceptable, beneficial effects are specifically identifiable, and the project as conditioned is in the general public interest.

(7) The proposed activity has been evaluated in accordance with 33 CFR 320.4 for the probable impacts including cumulative impacts on the public interest. All factors listed in 325.3(b)(1) relevant to the proposal have been considered including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and, in general, the needs and welfare of the people (for further information, see referenced documents).

Prepared by Ronald E. May
Coordinator

31 May 84
Date

Finding of No Significant Impact. The significance of the work and its environmental effects described above has been evaluated in accordance with 33 CFR 230. The proposed work will not significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared.

I find that issuance of the Department of the Army permit, as described in the final permit format as established as of this date, is based on thorough analysis and evaluation of the various factors affecting the public interest; that there are no reasonable alternatives available to the applicant that will achieve the purposes for which the work is being constructed; that the proposed work is in accordance with the overall desires of the public as reflected in the comments of State and local agencies and the general public; that the proposed work is deemed to comply with established State and local laws, regulations and codes; that the issuance of this permit is consonant with national policy, statutes, and



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

10 FEB 1984
REPLY TO
ATTN OF: MS 423

Colonel Robert L. Friedenwald
District Engineer, Portland District
Corps of Engineers
P. O. Box 2946
Portland, Oregon 97208

RE: 071-OYA-1-005233, Fred Devine Diving & Salvage, February 6, 1984
(Revision)

Dear Colonel Friedenwald:

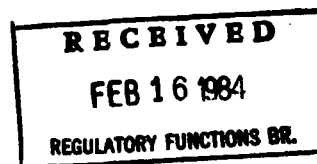
We have reviewed the referenced permit application and would have no objection to the issuance of this permit provided the applicant complies with all state and federal resource agency conditions that may be needed to protect the aquatic resources.

Sincerely,

Ronald A. Lee

Ronald A. Lee
Water Resources Assessment Team Leader

cc: USFWS-Portland
NMFS
ODSL
ODFW





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Division of Ecological Services
Portland Field Office
727 N. E. 24th Avenue
Portland, Oregon 97232

Reference: ES

February 14, 1984

Colonel Robert L. Friedenwald, District Engineer
Portland District, Corps of Engineers
P.O. Box 2946
Portland, Oregon 97208

Dear Colonel Friedenwald:

The Fish and Wildlife Service has reviewed the project plans advertised by the following public notice. No action will be taken by the Service at this time because of limited funding and manpower. However, we request that the applicant be required to adhere to all conditions and requirements specified by other Federal and State resource agencies.

Type of Permit: Section 10 of the 1899 Rivers and Harbors Act

Notice No./Date

Applicant Name

Due Date

071-OYA-1-005233 2/6

Fred Devine Diving & Salvage

2/27/84

Other Bureaus of the Department of the Interior do not expect to submit comments on this notice at this time.

Sincerely yours,

Russell D. Peterson
Field Supervisor
Acting for U.S. Department of
the Interior Coordinator

cc:
EPA
NMFS
ODFW
DSL
DEQ

RECEIVED

FEB 16 1984

REGULATORY FUNCTIONS BR.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
ENVIRONMENTAL & TECHNICAL SERVICES DIVISION
847 NE 19th AVENUE, SUITE 350
PORTLAND, OREGON 97232
(503) 230-5400

Turner

February 8, 1984

F/NMR5

Colonel Robert L. Friedenwald
District Engineer, Portland District
Corps of Engineers
P.O. Box 2946
Portland, OR 97208

Dear Colonel Friedenwald:

We have completed our review of the public notices referenced herein and do not object to the issuance of appropriate permits for the activities described. Should you decide to issue such permits, the applicants should be required to (1) comply with Federal and State water quality standards, (2) comply with State coastal management programs, and (3) adhere to all marine, estuarine, anadromous, and inland commercial fishery resource requirements of Federal and State fishery agencies as applicable.

071-OYA-1-005233, Fred Devine Diving & Salvage (2/6/84)
071-OYA-1-005246, Emery Aden (2/3/84)
NPPND-YQA-F84-002, Yaquina Bay & Harbor Dredging, CE, Portland Dist. (2/6/84)
NPPND-WM-1-FY84-004, Siuslaw Entrance to R.M. 7, CE, Portland Dist. (2/2/84)
NPPND-UQR-F84-005, Umpqua River - Dredging, CE Portland Dist. (1/6/84)
NPPND-TLA-F84-009, Tillamook Bay - Dredging, CE, Portland Dist. (1/9/84)
NPPND-DPA-F84-010, Depoe Bay, CE, Portland Dist. (1/6/84)
NPPND-SKP-F84-012, Skkanon, CE, Portland Dist. (1/9/84)

We may reevaluate this position and provide further comment to you if additional information becomes available indicating there would be significant adverse impacts to fishery resources or to the habitat that supports them.

Sincerely,

Dale R. Evans
Division Chief

cc: Oregon Department of Fish and Wildlife
Division of State Lands
Fish and Wildlife Service, ES, Portland
Environmental Protection Agency

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF MARINE FISHERIES
NATIONAL MARINE FISHERIES SERVICE
15714 15th Avenue, Suite 250
Portland, Oregon 97232
(503) 230-8400

January 18, 1984

F/MRS

Turner

Colonel Robert L. Friedenwald
District Engineer, Portland District
Corps of Engineers
P.O. Box 2946
Portland, OR 97208

Dear Colonel Friedenwald:

We have completed our review of the public notices referenced herein and do not object to the issuance of appropriate permits for the activities described. Should you decide to issue such permits, the applicants should be required to (1) comply with Federal and State water quality standards, (2) comply with State coastal management programs, and (3) adhere to all marine, estuarine, anadromous, and inland commercial fishery resource requirements of Federal and State fishery agencies as applicable.

071-OYA-4-005207, Wasco County (19 December 83)
071-OYA-1-005109, Hong-Shiou Chiou (13 January 84)
071-OYA-1-005230, Al Peirce Lumber Company (13 January 84)
071-OYA-1-005233, Fred Devine Diving & Salvage (11 January 84)

We may reevaluate this position and provide further comment to you if additional information becomes available indicating there would be significant adverse impacts to fishery resources or to the habitat that supports them.

Sincerely,

Dale R. Evans

Dale R. Evans
Division Chief

cc: Oregon Department of Fish and Wildlife
Division of State Lands
Fish and Wildlife Service, ES, Portland
Environmental Protection Agency

Division of State Lands
1445 State Street
Salem, Oregon, 97310
Phone: 378-3059
378-3805

CORPS
FOR WATER
Permit No. 1359 - Revised
Permit Type Removal
Waterway Willamette River
County Multnomah County
Expiration Date November 8, 1984
PN 005233

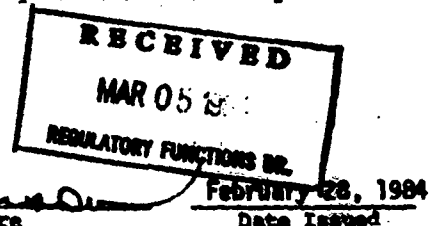
FRED DEVINE DIVING & SALVAGE

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF HIS APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulations pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. Creation of new lands upon submerged or submersible lands must comply with provisions of ORS 274.905 et seq.
4. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
5. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
6. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
7. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
8. The Division of State Lands retains authority to temporarily halt or modify the operation if it should cause excessive turbidity or damage to natural resources.
9. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

Ed Zajonc, Director
Oregon Division of State Lands

Ed Zajonc
Authorized Signature

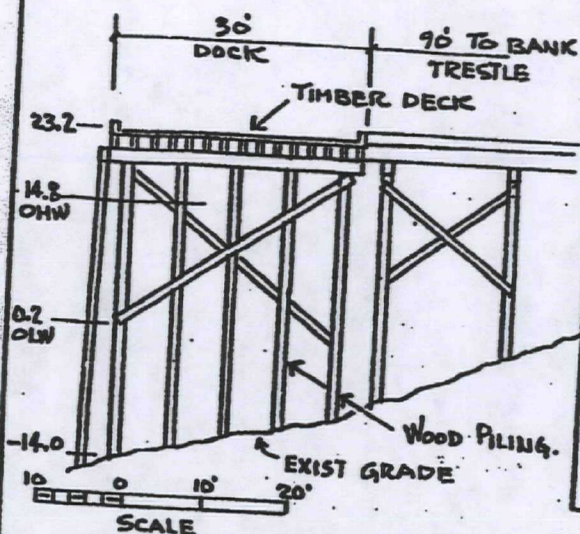


ATTACHMENT A

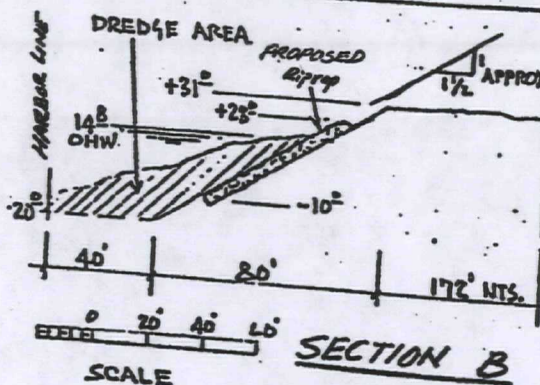
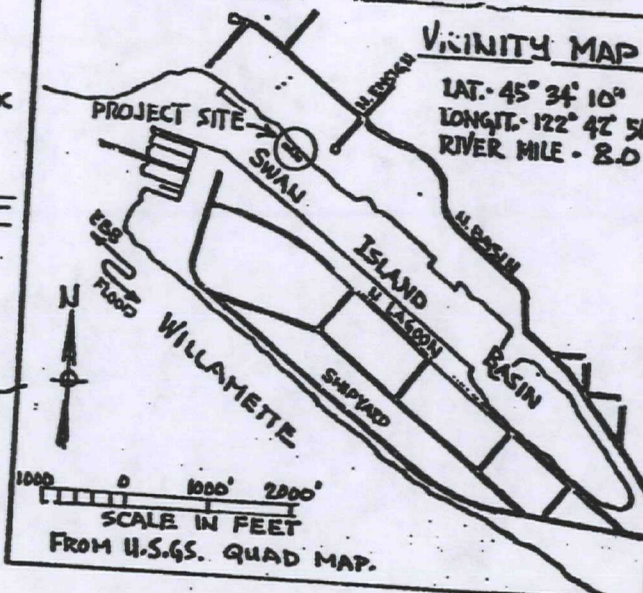
Special Conditions for Material Removal Permit No. 1359

1. This permit authorizes the removal of up to 1,000 cubic yards of sand and silt and the placement of up to 2,000 cubic yards of riprap in Section 17, T1N, R1E (Willamette River, mile 8.0) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed above Ordinary High Water behind previously constructed berms adjacent to the dredging area or in Swan Island Lagoon disposal area as per permit arrangement with the Port of Portland.
4. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
5. There shall be no removal or filling in the permit area between February 15 and May 15 nor between September 1 and September 15.
6. Riprap shall be placed under these conditions:
 - a. Only clean, erosion resistant rock from an upland source shall be used as riprap. No broken concrete or asphalt shall be used as riprap.
 - b. Riprap shall be placed in a manner that does not appreciably increase the upland surface area.
 - c. The completed revetment shall have a slope no steeper than 2:1.
7. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

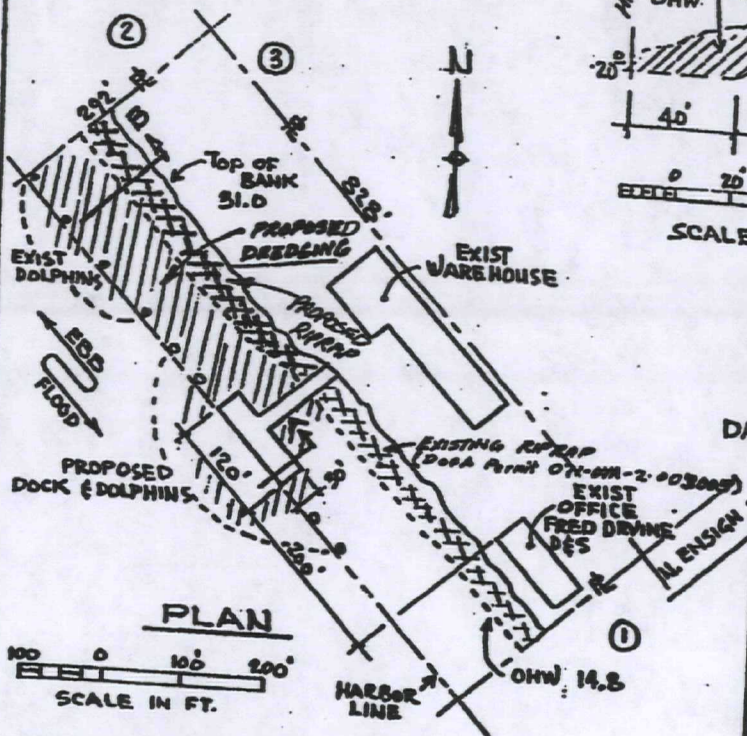
February 28, 1984



SECTION A



SECTION B



ADJACENT PROPERTIES:

- ① CROWLEY MARITIME CORP.
- ② U.S. NAVAL RESERVE
- ③ UNITED PARCEL SERVICE

DATUM: COLUMBIA RIVER DATUM.

PROPOSED DOCK & DOLPHINS.
IN: WILLAMETTE RIVER. RIVER MILE 8.0
WITHIN: SWAN ISLAND LAGOON.
COUNTY: MULTNOMAH
APPLICANT: FRED DEVINE DRYING & SALVAGE
DATE: 21 DEC. 1983 SHEET: 10 of 1

VICTOR ATIYEH
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

March 2, 1984

District Engineer
Corps of Engineers
U. S. Army
Portland District
P. O. Box 2946
Portland, OR 97208

Att: A. J. Heineman, Chief
Navigation Division

Ref: PN 071-OYA-1-005233
Willamette River - Maintenance Dredging and
Commercial Moorage

Dear Sir:

I approve the project subject to the conditions outlined in Material
Removal Permit No. 1359 issued by the Division of State Lands.

Sincerely,

A handwritten signature in dark ink, appearing to read "Victor Atiyeh".
Victor Atiyeh
Governor

VA:df

cc: Fred Devine Diving and Salvage
Lee Engineering
Department of Environmental Quality
Department of Fish and Wildlife
U. S. Fish and Wildlife Service
Division of State Lands





Port of Portland

Box 3529 Portland, Oregon 97208
503/231-5000
TWX 910-464-6151

January 30, 1984

W. J. J. J.

Fred Devine Diving & Salvage, Inc.
6211 N. Ensign
Portland, OR 97217

PORT ISSUED PERMIT 84-2

C.O.E. PUBLIC NOTICE 071-OYA-1-005233

We are enclosing the above numbered Port issued permit authorizing work described in the Corps of Engineers Public Notice referenced.

R. F. Balaski

R. F. Balaski
Project Manager

Enclosure

cc: ~~CONFIDENTIAL~~

RECEIVED

FEB 1 1984

REGULATORY FUNCTIONS BR.

THE PORT OF PORTLAND
P.O. BOX 3529
PORTLAND, OREGON 97208

PERMIT NO.: 84-2

DATE: January 30, 1984

TO: Fred Devine Diving & Salvage, Inc.
6211 N. Ensign
Portland, OR 97217

Referring to written request to the Corps of Engineers, Portland District:

I wish to inform you that by authority of the Port of Portland, acting under the statutes of the State of Oregon, delegating to it control of navigation in the Willamette and Columbia rivers between its district and the sea, you are hereby authorized to conduct the work described in Corps of Engineers Public Notice 071-OYA-1-005233, dated January 11, 1984. Construction will consist of a 120-foot-long dock with four 5-pile dolphins. This work is

subject to the same conditions and initial time limitations as are stated in the Permit or Permits of the Corps of Engineers of the U.S. Army, issued to you and covering this work, except that in condition (J) stated in the Engineer's Permit, the Port of Portland shall be substituted for the United States. Work described in the Corps of Engineers Public Notice is subject to modifications and/or relocation at permittee expense for existing or future operations undertaken in the public interest. This Permit shall become effective on the date the Corps of Engineers shall have issued a Permit.

This Permit is limited to work necessary for the identified area to be used as a moorage for the company's tugboat with additional lease space,

and is not intended to give permission for construction for any other use.

It is understood that this instrument does not give any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of federal, state, or local laws or regulations, nor does it obviate the necessity of obtaining federal assent to the work authorized. It merely expresses the assent of The Port of Portland so far as concerns the public right of navigation.

THE PORT OF PORTLAND

Lloyd E. Anderson
Executive Director

cc: District Engineer, Navigation Division

To: CNPP (FWS055)
To: FW1PLFO (FWS043)
From: FW1PLFO (FWS043) Posted: Fri 20-Jan-84 17:21 Sys 57 (49)
Subject: pns

Division of Ecological Services
Portland Field Office
727 N. E. 24th Avenue
Portland, Oregon 97232

Reference: NE:nn

January 20, 1984

Colonel Robert L. Friedenwald, District Engineer
Portland District, Corps of Engineers
P.O. Box 2946
Portland, Oregon 97208

Dear Colonel Friedenwald:

The Fish and Wildlife Service has reviewed the project plans advertised by the following public notice. No action will be taken by the Service at this time because of limited funding and manpower. However, we request that the applicabe required to adhere to all conditions and requirements specified by other Federal and State resource agencies.

Type of Permit: Section 10 of the 1899 Rivers and Harbors Act

Notice No./Date	Applicant Name	Due Date
071-OYA-1-005233 1/11	Fred Devine Diving & Salvage	1/31/84

Other Bureaus of the Department of the Interior do not expect to submit comments on this notice at this time.

Sincerely yours,

Russell D. Peterson
Field Supervisor
Acting for U.S. Department of
the Interior Coordinator

cc:
EPA
NMFS
ODFW
DSL
DEQ

DISPOSITION FORM

For use of the Corps, see AR 340-15, the Department Agency, & TAGO.

REFERENCE OR OFFICE SYMBOL

NFPND-RF

SUBJECT

Assessment of Effect on Navigation of Activity Proposed
in Permit Application 071-OYA-1-005233

TO

Ch., Waterways Maint. Br.

FROM

Ch., Reg. Funct. Br.

DATE

1/12/83

CMT 1

A review of work described in the attached Public Notice indicates that use and maintenance of any Federal navigation channel in the vicinity of the project area will not be adversely affected. Please indicate whether or not you concur in this assessment and return your comments to Regulatory Functions Branch.

1 Incl
as

JJ. Morgan

Chief, Regulatory Functions Branch

NFPND-WM

TO: Ch., RF

FROM: Ch., WM

DATE:

12 Jan 83

CMT 2

Concur ☒

Do not concur ☐

1 Incl
nc

Stech

Chief, Waterways Maintenance Branch

DISPOSITION FORM

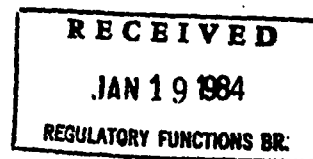
For use of this form, see AR 340-15; the proponent agency is TAGO.

REFERENCE OR OFFICE SYMBOL	SUBJECT
NPPPL-NR-EQ	Planning and Engineering Division Review of Public Notice for Permit Application

TO Ch, Navigation Div. FROM Ch, Planning Div. DATE 18 Jan 84 CMT1
Struznik/6094/lvm


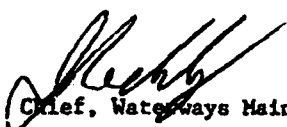
Planning and Engineering Divisions have completed their review of public notices 4841, 5209, 5222, and 5233 and have no comments.


PATRICK J. KEOUGH, P.E.
Chief, Planning Division



DISPOSITION FORM

For use of this form, see AR 340-15, the proper agency is TAGO.

REFERENCE OR OFFICE SYMBOL	SUBJECT		
NPPND-RF	Assessment of Effect on Navigation of Activity Proposed in Permit Application 071-OYA-1-065233		
TO	FROM	DATE	CMT 1
Ch., Waterways Maint. Br.	Ch., Reg. Functions Br.	6 Feb. 84	
<p>A review of work described in the attached Public Notice indicates that use and maintenance of any Federal navigation channel in the vicinity of the project area will not be adversely affected. Please indicate whether or not you concur in this assessment and return your comments to Regulatory Functions Branch.</p>			
1 Incl as		 Chief, Regulatory Functions Branch	
NPPND-WM	FROM: Ch., WM	DATE: 7 Feb 84	CMT 2
TO: Ch., RF			
Concur <input checked="" type="checkbox"/>	Do not concur <input type="checkbox"/>		
1 Incl nc		 Chief, Waterways Maintenance Branch	

DA FORM 2496
AUG 80

PREVIOUS EDITIONS WILL BE USED

U.S. G.P.O. 1980-485:11/222

DISPOSITION FORM

For use of this form, see AR 340-15; the proponent agency is TAGO.

REFERENCE OR OFFICE SYMBOL

NPPRE-MD

SUBJECT

Willamette River - Maintenance Dredging &
Commercial Moorage, Mile 8 in Swan Island
Basin, Multnomah County, Portland, Oregon,
Public Notice 071-OYA-1-005233

TO

Chief, Navigation Division

FROM

Chief, Real Estate Division

DATE

13 February 1984
HOLMEN/6046/tmd

CMT 1

1. Reference the above-mentioned Public Notice.
2. No Real Estate action is required.

Harvey H. Rose
for D. H. NELLEN
Chief, Real Estate Division

RECEIVED

FEB 13 1984

REGULATORY FUNCTIONS BR.

DA FORM 2496
AUG 80

PREVIOUS EDITIONS WILL BE USED

*U.S. GOVERNMENT PRINTING OFFICE: 1980-370-711

DISPOSITION FORM

Portion of this form, and AR 345-15, the previous agency is TAOO.

REFERENCE OR OFFICE SYMBOL

NPPPL-NR-EQ

SUBJECT

Planning and Engineering Division Review of
Public Notice of Application for Permit

TO
Ch, Navigation Div.

FROM
Ch, Planning Div.

DATE

16 Feb 84
Krolak/6094/lvm

CMT 1

The Planning and Engineering Divisions have completed their review of public
notices NPPFD-MR-1-FY84-004, 5233, 5240, and 5246 and have no comments.

Patrick J. Krough
PATRICK J. KROUGH, P.E.
Chief, Planning Division

RECEIVED

FEB 16 1984

REGULATORY FUNCTIONS BR.

DA JPL 2496

PREVIOUS EDITIONS WILL BE USED

U.S. G.P.O. 1980-008141/200



US Army Corps
of Engineers
Portland District
Regulatory Functions Branch
P.O. Box 2946
Portland, Oregon 97208
NPPND-RF-1

Public Notice of Application for Permit

PUBLIC NOTICE DATE: 11 January 1984

CLOSING DATE: 31 January 1984

REFERENCE NUMBER: 071-OYA-1-005233
(Willamette River - Commercial Moorage)

20-DAY NOTICE

Interested parties are hereby notified that application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

APPLICANT: Fred Devine Diving & Salvage
6211 N. Ensign
Portland, Oregon 97217

LOCATION: Willamette River, Mile 8, in Swan Island Basin, Multnomah County,
Portland, Oregon.

WORK: The applicant proposes to construct a commercial moorage as described below.

a. A "T" type dock will be built extending 120 feet into the river from the bank. The working surface of the dock will be 120 feet long, 30 feet wide, and at an elevation of 23 feet (CRD).

b. Four 5-pile dolphins will be driven, two on each side of the dock.

c. The work is shown on the attached drawing labeled 005233 (Willamette River - Commercial Moorage).

PURPOSE (Per Applicant): To moor company's tugboat and lease additional space.

ADDITIONAL INFORMATION: Additional information may be obtained from Don Pfannenstiel, Fred Devine Diving & Salvage, Inc., 6211 N. Ensign, Portland, Oregon 97217, telephone (503) 283-5285, or Jim Turner, Permit Coordinator, Portland District, U.S. Army Corps of Engineers, P.O. Box 2946, Portland, Oregon 97208, telephone (503) 221-6995.

AUTHORITY: This permit will be issued or denied under the following authorities:

- (X) Perform work in or affecting navigable waters of the United States -
Section 10, River and Harbor Act 1899 (33 U.S.C. 403).
- () Discharge dredged or fill material into waters of the United States -
Section 404, Clean Water Act (33 U.S.C. 1344).
- () Transport dredged material for the purpose of dumping it into ocean waters -
Section 103, Marine Protection, Research and Sanctuaries Act of 1972
(33 U.S.C. 1413).

NPD 16C
SEP 81

NPPND-RF-1
005233

SPECIAL CONDITIONS: The requested permit, if issued, will be subject in part to the following conditions:

- a. All construction debris will be disposed of on land in such a manner that it cannot enter the waterway.
- b. All piling and lumber treated with creosote or other protective material will be completely dry before use in or near the waterway.
- c. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.
- d. All areas along the bank, disturbed or newly created by the construction activity, will be seeded, sodded, revegetated, or given some other equivalent type of protection against subsequent erosion.
- e. Work in the waterway will be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.
- f. If the permittee, during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the District Engineer.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

FLOOD PLAIN MANAGEMENT: Evaluation of the described activity will include conformance with appropriate State or local flood plain standards; consideration of alternative sites and methods of accomplishment; and weighing of the positive, concentrated and dispersed, and short- and long-term impacts on the flood plain.

CULTURAL RESOURCES: The property described is not a registered or eligible property in the latest published version of the National Register of Historic Places.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof;

NPPND-RF-1
005233

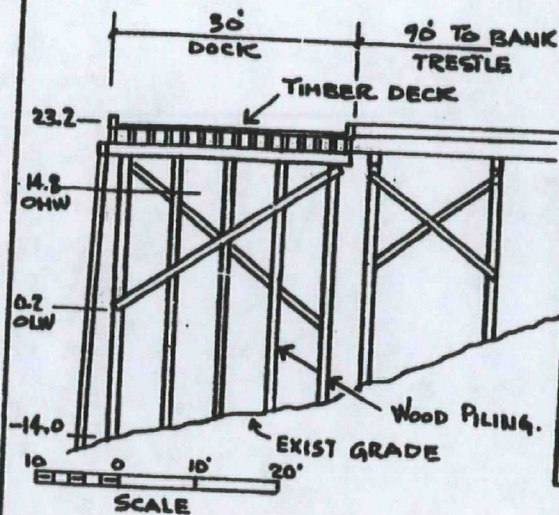
EVALUATION: (Cont'd.)

among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

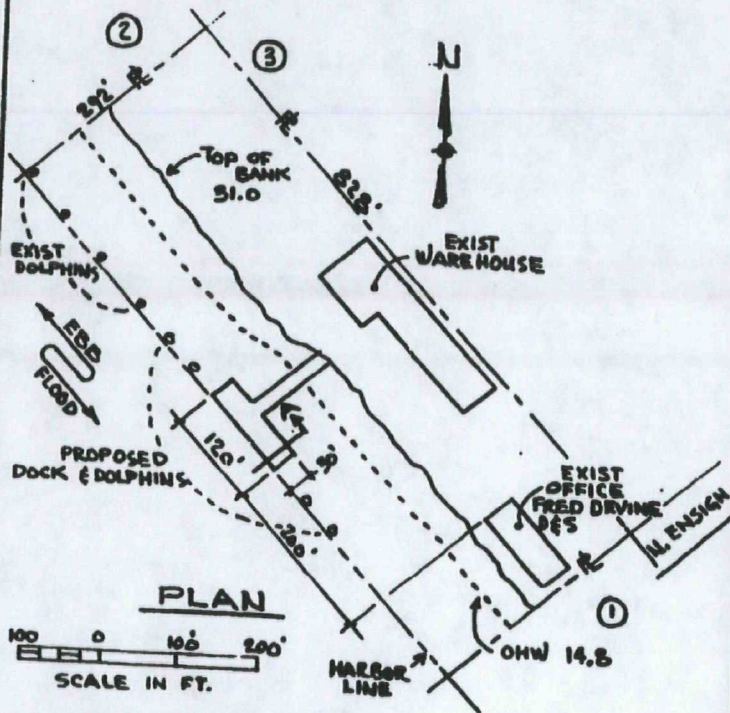
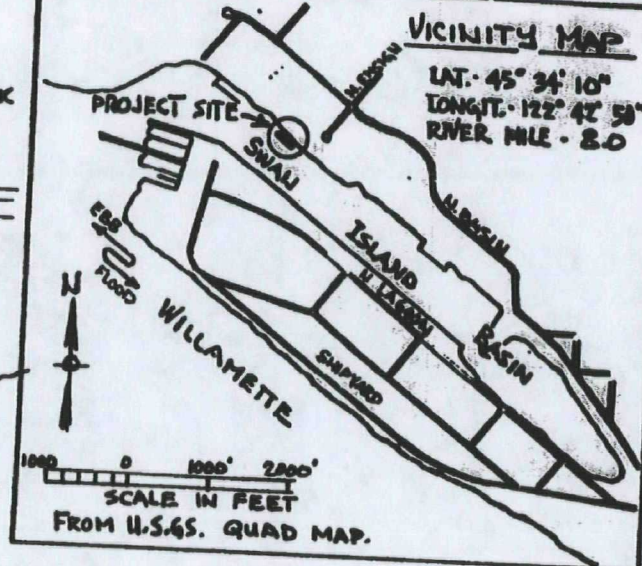
ADDITIONAL REQUIREMENTS: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision.

005233 (Willamette River - Commercial Moorage)



SECTION A



PURPOSE: COMMERCIAL DOCK & MOORING FACILITIES FOR VESSELS OF DIVING & SALVAGE OPERATIONS AND LEASED MOORAGE FOR COMMERCIAL MARITIME USE

DATUM: COLUMBIA RIVER DATUM

ADJACENT PROPERTIES:

- ① CROWLEY MARITIME CORP.
- ② U.S. NAVAL RESERVE
- ③ UNITED PARCEL SERVICE

PROPOSED DOCK & DOLPHINS.
IN: WILLAMETTE RIVER, RIVER: 8.0
WITHIN: SWAN ISLAND LAGOON.
COUNTY: MULTNOMAH
APPLICANT: FRED DEVINE DIVING & SALVAGE
DATE: 21 DEC. 1983 SHEET: 1 of 1

JOINT APPLICATION FOR PERMIT

**U.S. ARMY CORPS OF ENGINEERS
STATE OF OREGON, DIVISION OF STATE LANDS**

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into these waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, respectively, --AND-- permits for that part of these project activities which includes the removal or fill in the waterways of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 341.600 to 341.695---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

For Agency Use Only Corps of Engineers # <u>005254</u> _____ _____ Date received _____	For Agency Use Only State of Oregon # _____ _____ _____ Date received _____
--	---

Name of Waterway <u>WILLAMETTE</u>	River Mile <u>8.0</u>	Local Name <u>SWAN ISLAND BASIN</u>
Section <u>17</u>	Township <u>1N</u>	Range <u>1E W.M</u>
Estimated Starting Date of Project <u>FEBRUARY 84</u>	Estimated Completion Date of Project <u>ON GOING</u>	

NAME OF APPLICANT <u>FRED DEVINE DIVING & SALVAGE</u>	AUTHORIZED AGENT <u>LEE ENGINEERING</u>
Address <u>6211 N. ENSIGN</u>	Address <u>708 MAIN ST</u>
City, State, Zip Code <u>PORTLAND OREGON 97217</u>	City, State, Zip Code <u>OREGON CITY OREGON 97045</u>
Phone: Work <u>(503) 283-5285</u> Home <u>()</u> Area <u>()</u>	Phone: Work <u>(503) 655-1343</u> Home <u>()</u> Area <u>()</u>

PROJECT SUPERVISOR <u>DON PEANNENSTIEL</u>	Phone: Work <u>(503) 283-5285</u> Home <u>(503) 666-5783</u> Area <u>()</u>
--	--

PROPERTY OWNER IF OTHER THAN APPLICANT _____	PROJECT ADDRESS <u>6211 N. ENSIGN</u>
Address _____	CITY, COUNTY, STATE <u>PORTLAND, MULT., OREGON 97217</u>
City, State, Zip Code _____	Assessor's Records-- Shown on Map # <u>2425</u> Tax Lot # <u>101</u>
Phone: Work <u>()</u> Home <u>()</u> Area <u>()</u>	Name of Subdivision _____ Lot _____ Block _____

In order to expedite the processing of this application, the following city and/or county department, which has local jurisdiction over the proposed project, has been contacted:

Name of Department: BUREAU OF BLDG./PLANNING - CITY OF PORTLAND.
 Address: 1120 SW 5TH PORTLAND OR. 97204
 Phone Number: 796-7310

APPROVALS OR CERTIFICATIONS applied for or already obtained from other agencies (Federal, interstate, state, county, city, area) for any of the proposed projects described in this application:

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval
DIV. OF STATE LANDS	REMOVAL	RP1357	3-1-81	11-8-83 RENEWAL

RECEIVED

JAN 19 1984

REGU. JURY FUNCTIONS BR.

WFF Form 356
OCT 1980
141-31-04-80

Inclosure 1

Has any agency denied approval for the activity described herein or for any other activity directly related to it?
☐ Yes ☒ No If yes, please explain in Remarks.

ADJOINING PROPERTY ON THE WATERWAY: Give names, addresses, and phone numbers of owners and/or occupants.

CROWLEY MARITIME 6208 N. ENSIGN, PORTLAND 97217

U.S. NAVAL RESERVE 6735 N. BASIN, PORTLAND 97217

UNITED PARCEL SERVICE 6707 N. BASIN, PORTLAND 97217

PLEASE EXPLAIN IN DETAIL your plans to restore the area to its natural condition.

N/A

INFORMATION FOR FILL OR REMOVAL:

FILL WILL INVOLVE 1000 cubic yards annually, and 3000 cubic yards for the total project.

☒ Riprap ☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay ☐ Organic

REMOVAL WILL INVOLVE 1000 cubic yards annually, and 3000 cubic yards for the total project.

☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay

DESCRIBE IN DETAIL THE PROPOSED ACTIVITY---its primary purpose and secondary purpose, if any,---intended use (private, public, commercial)---type of structures and use---type of vessels using facility---facilities for handling wastes---type of conveyance and manner of extraction of any fill or removal---the quantity and composition of, and the source and disposal sites for any fill or removal. (If additional space is needed, use plain sheet of paper.)

CONTINUE CLAMSHELL DREDGING AND RIP RAP PROJECT. MAINTENANCE DREDGING AS REQD TO MAINTAIN DEPTH FOR COMMERCIAL MOORAGE.

FILL (SAND/SILT) WILL BE PLACED ABOVE ORDINARY HIGH WATER. EXCESS DREDGED MATERIAL WILL BE DEPOSITED IN THE SWAN ISLAND DISPOSAL AREA BY PERMIT ARRANGEMENT WITH PORT OF PORTLAND.

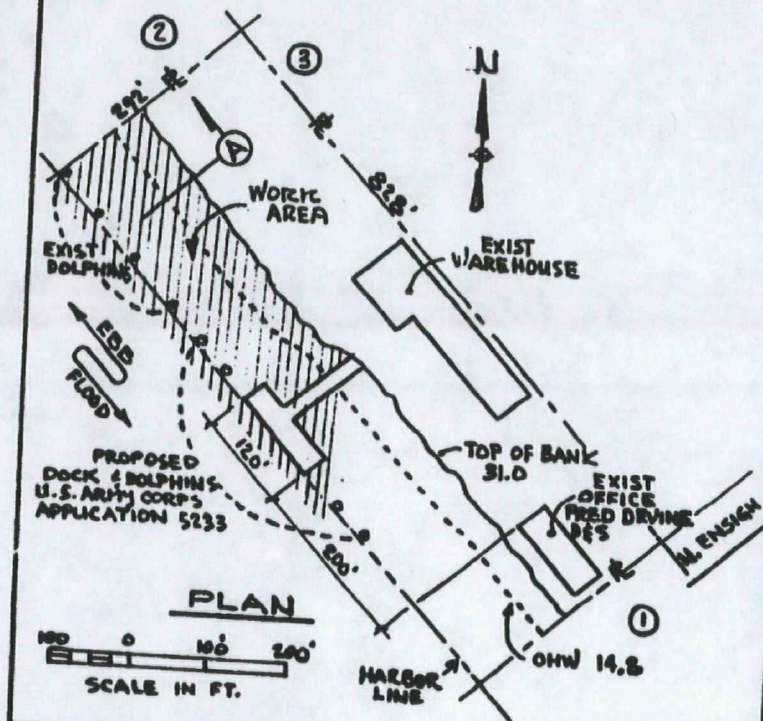
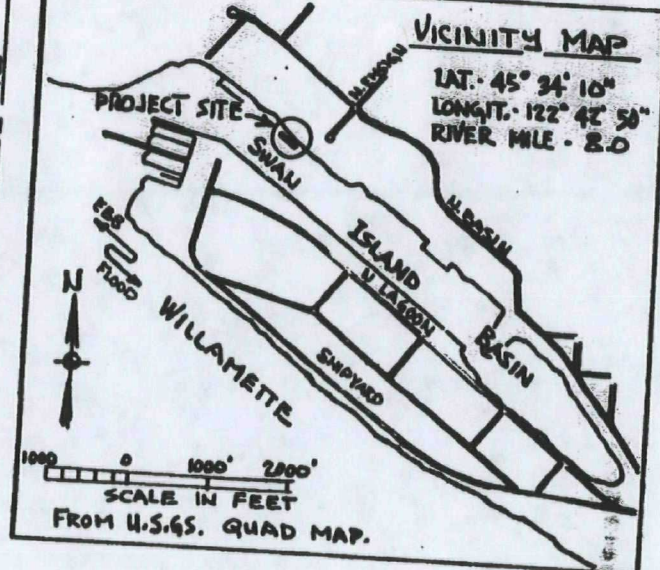
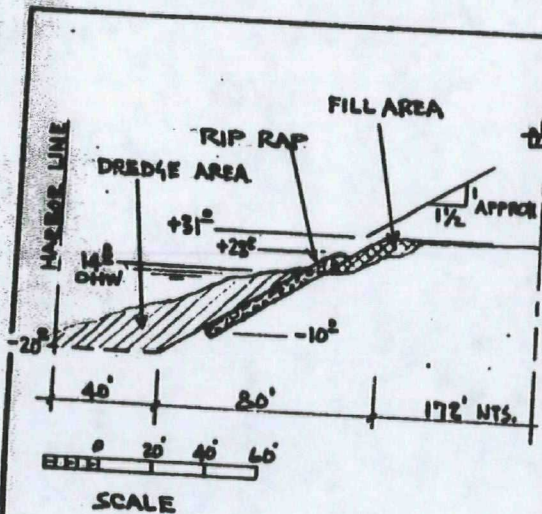
PREVIOUS WORK ON THIS PROJECT WAS DONE UNDER CORPS PERMIT 3005

THIS ONGOING WORK WILL BE DONE IN CONJUNCTION WITH DOCK CONSTRUCTION, CORPS PERMIT APPLICATION 5233

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that, to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.


Signature of Applicant or Authorized Agent

18 USC 1001 provides in part: "Whoever, in any manner within the jurisdiction of any department . . . of the United States knowingly and willfully falsifies . . . a material fact or makes any false . . . statement or . . . uses any false . . . document . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."



PURPOSE: DREDGING, FILL & BANK PROTECTION (RIP RAP) FOR COMMERCIAL MOORAGE.

DATUM: COLUMBIA RIVER DATUM

ADJACENT PROPERTIES:

- ① CROWLEY MARITIME CORP.
- ② U.S. NAVAL RESERVE
- ③ UNITED PARCEL SERVICE

PROPOSED DOCK & DOLPHINS
IN: WILLAMETTE RIVER, RIVER: 8.0
MILE: 8.0
WITHIN: SWAN ISLAND LAGOON
COUNTY: MULTNOMAH
APPLICANT: FRED DYVINE DIVING & SALVAGE
DATE: 17 JAN. 1984 SHEET: 1001

JOINT APPLICATION FOR PERMIT

U.S. ARMY CORPS OF ENGINEERS
STATE OF OREGON, DIVISION OF STATE LANDS

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into those waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972; and whereas the Army permits for that part of those project activities which include the removal or fill in the waterway of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 341.603 to 341.605---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

For Agency Use Only	Corps of Engineers #	1-005233
Date received		
Date received		

Name of Waterway	WILHELMITE
Location	8.0
Section	17
Estimated Starting Date of Project	MARCH 83
Estimated Completion Date of Project	MAY 83

NAME OF APPLICANT	FRED DEVINE DIVING & SALVAGE
ADDRESS	6211 N. ENSIGN
CITY, STATE, ZIP CODE	PORTLAND OREGON 97217
Phone: Work () Area ()	(503) 283-5785
Phone: Home () Area ()	(503) 485-1942

PROJECT OWNER	6211 N ENSIGN
ADDRESS	6211 N ENSIGN
CITY, STATE, ZIP CODE	PORTLAND, ORE., 97217
Phone: Work () Area ()	(503) 283-5785
Phone: Home () Area ()	(503) 485-1942

NAME OF DEPARTMENT	CITY OF PORTLAND
ADDRESS	1120 SW 5TH, PORTLAND OR 97204
Phone Number:	796-7310

APPROVALS ON CERTIFICATION applied for or already obtained from other agencies (Federal, Interstate, state, county, city, area) for any of the proposed projects described in this application:

DIV. OF STATE LANDS REMOVE/FILL
IDENTIFICATION # 3-1-81
RENEWAL 11-8-83

RECEIVED
DEC 20 1982
REGULATORY FUNCTIONS BR.

NOT FROM JOE
OCT 1980
141-31-04-80
Inclosure 1

Has any agency denied approval for the activity described herein or for any other activity directly related to it?
☐ Yes ☒ No If yes, please explain in Remarks.

ADJOINING PROPERTY ON THE WATERWAY: Give names, addresses, and phone numbers of owners and/or occupants.

CROWLEY MARITIME 6202 N. ENSIGN, PORTLAND 97217
U.S. NAVAL RESERVE 6735 N. BASIN, PORTLAND 97217
UNITED PARCEL SERVICE 6707 N. BASIN, PORTLAND 97217

PLEASE EXPLAIN IN DETAIL your plans to restore the area to its natural condition.

N/A

INFORMATION FOR FILL OR REMOVAL: REFER TO RP1359

FILL WILL INVOLVE _____ cubic yards annually, and _____ cubic yards for the total project.

☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organic

REMOVAL WILL INVOLVE _____ cubic yards annually, and _____ cubic yards for the total project.

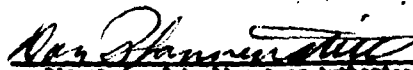
☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay

WRITE IN DETAIL THE PROPOSED ACTIVITY---its primary purpose and secondary purpose, if any,---intended use (private, public, commercial)---type of structures and use---type of vessels using facility---facilities for handling wastes---type of conveyance and manner of extraction of any fill or removal---the quantity and composition of, and the source and disposal sites for any fill or removal. (If additional space is needed, use plain sheet of paper.)

COMMERCIAL DOCK & MOORING FACILITIES FOR THE SALVAGE SHIP, A CONVERTED LCM, SPECIALLY EQUIPPED TUG, OWNED AND OPERATED BY FRED DEVINE DIVING & SALVAGE INC. ALSO TO PROVIDE LEASED MOORAGE FOR OTHER COMMERCIAL MARITIME USE.

WASTES ARE SELF CONTAINED ABOARD SHIP. IF REQ'D WASTES WILL BE PUMPED TO HOLDING TANKS AND TRANSPORTED OFF SITE TO APPROVED DISPOSAL.

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that, to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.


Signature of Applicant or Authorized Agent

18 USC 1001 provides in part: "Whoever, in any manner within the jurisdiction of any department . . . of the United States knowingly and willfully falsifies . . . a material fact or makes any false . . . statement or . . . uses any false . . . document . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

PHYSICAL PARAMETERS

Section _____ EXT _____

(CIRCLE ONE) NEW CHANGE DELETE		APPLICATION NO. 1-1		4411 245132	
				DIST 3 TYPE 6 SEQ NO 12	
A CONTROL NO. 2 41 18171		DATE 23 DEC 1983		SPECIAL APPLICANT CODE	
(1) DIST 13 STATE 14 15 CASE NO 16 20		DAY 21 MON YR 27		28 29	
B APPLICANT 1-2,3					
(1) NAME (13-46) FRED DEVINE DIVING & SALVAGE					
NAME (47-80)					
C ADDRESS (13-46) 6211 N ENSIGN					
(1) CITY, ST, ZIP (47-70) PORTLAND ME 04107					
PHONE NO. (71-80) AREA 207 288 2222					
D AGENT 1-4					
(1) NAME (13-46) LSC ENGINEERING INC					
NAME (47-80)					
E ADDRESS (13-46) 748 MAIN ST					
(1) CITY, ST, ZIP (47-70) GAGGIN CITY ME 04745					
PHONE NO. (71-80) AREA 207 215 5154					
F WATERWAY 1-19					
(1) WILLAMETTE					
NO. of DISCH 38 37					
FEE \$ 1114					
MAJ/MIN/SUB 131 091 47					
RIVER MILE 48.6					
STATE 1-16 41					
CNTY 1-17 55 54					
CITY 1-18 67 84 63					
LATITUDE 11-7 45 DEG 34 MIN 14 SEC					
LONGITUDE 11-8 122 DEG 42 MIN 50 SEC					
NAVIGABLE WATERWAY CIRCLE YES NO (76)					
G FACILITY 1-N,M					
(1) NAME (13-46) TURNER MAR					
ADDRESS (47-80)					
H ORIGINAL APPL NO. of 1-7 ORIG.					
S.I.C 11-12					
STRUCTURAL TYPE					
YES NO					
IF INTERSTATE ACTIONS STATE CODE					
EXISTING SEC 10 (11 ANY) NAME or NO. TURNER MAR					
DID FACILITY EXIST BEFORE 03 APR 70 (CIRCLE ONE) 1-23 YES NO (52)					
WILL DREDGING OR FILLING OCCUR (CIRCLE ONE) 1-24 YES NO (53)					
IS DISCHARGE/STRUCTURE EXISTING NEW OR BOTH (54) (CIRCLE ONE)					

J
(1)

**STREAM CODE AS PER EPA DESIGNATIONS
(INDEX / MILE(S))**

LEVEL

RIVER SYSTEM	II	III
	13 - - - / - - - - - 21 22 - - - / - - - - - 33	34 - - - / - - - - - 43
	IV	V
	44 - - - / - - - - - 52	53 - - - / - - - - - 61
	VI	VII
	62 - - - / - - - - - 69	70 - - - / - - - - - 77

K
(1)

VIII	IX
13 - - - / - - - - - 20	21 - - - / - - - - - 28

R
(1)

REMARKS:

13-46 - - - - -
47-80 - - - - -

APPLICATION NO. 071-OYA-1-005233

	CODE	OUTPUT DESCRIPTION	
<u>8/23 Dec 83</u>	103	Application Received-Acknowledgement ltr. sent	
<u>C</u>	104	Additional Information (Date requested)	
<u>C 25 Jan</u>	107	Application Complete	
<u>C 25 May</u>	112	Controversial (Applic complete date plus 120 days)	
<u>C 3 Jun</u>	101	Prelim. Assessment Completed (PEAC)	
<u>8/23 Jan 84</u>	201	Public Notice Issued	
<u>8/6 Feb 84</u>	208	Revised Public Notice	
<u>A-C 10 Feb</u>	311	*E P A	
<u>A-C 10 Feb</u>	312	*N O A A	*A=Approval
<u>A-C 10 Feb</u>	313	*U S D I	*D=Disapproval
<u>A-C 10 Feb</u>	314	*State	*C=Condition
<u>C</u>	316	*City	*T=Time Extension
<u>C</u>	317	*County	*H=Hold in Abeyance
<u>C</u>	318	*Port	
<u>S</u>	401	Water Quality Certification Requested (P.M. Date)	
<u>C</u>	403	Water Quality Certification Received	
<u>S</u>	411	CZM Concurrence Requested (DLCD)	
<u>C</u>	412	CZM Approved or Waived	
<u>C</u>	413	CZM Denied	
<u>C</u>	503	E A Requested	
<u>E 22 Jan 84</u>	504	E A Completed	
<u>C</u>	505	E I S Required	
<u>C</u>	506	E I S Completed	
<u>C</u>	324	Public Notice of Hearing	
<u>C</u>	207	Public Hearing	
<u>S</u>	111	SOF Package Routed	
<u>8/4 June 84</u>	108	Permit Sent for Signature	
<u>8/13</u>	216	Process time, days	C 202 RE Action Required
<u>8/5 July 84</u>	109	Permit Returned	S 212 Permit Sent to RE
<u>8/5 July 84</u>	211	Permit Issued	
<u>S</u>	322	Application Cancelled	**21JUN50-Marg
<u>S</u>	210	Permit Denied	**22JUN50-Simpson
<u>S</u>	214	Nationwide Permit (Ltr dt) ¹	**23JUN50-Loghry
<u>S</u>	115	Application Withdrawn ¹	**24JUN50-Weidinger
<u>8/31 July 89</u>	607	Permit Expiration Date	**25JUN50-Bahler
<u>8/21 Jan 50</u>	330	**Coordinator	**26JUN50-Rogers
<u>E</u>	329	**Environmentalist	**27JUN50-Turner
		¹ Also code 322	**28JUN50-Harmon
			**29JUN50-Lightcap

Legend

S = Secretary
C = Coordinator
E = Envir Spec
For LOP code 108
when mailed and
211 for effect-
ive date.

Applic: _____
Type: _____
Waterway: _____
Applic. Date: _____

NFP 164A
JUN 83

APPLICANT:

NUMBER 5233

ACOE Contract No. DACW57-84-D-0133
W.O. No. 0-04



Photo No. 1-6 ACOE Permit No. 071-OYA-1-005233
Looking NW at the three new 8-pile dolphins at the south
end of the site and the "T" type dock also showing the
other existing piles and floats mentioned.



Photo No. 1-7 ACOE Permit No. 071-OYA-1-005233
Looking NW from up on the new dock down at the existing
floating walkway, piles and dolphins north of the new
dock.

PRELIMINARY ENVIRONMENTAL ASSESSMENT

Public Notice No. 1-005233
 River and Mile Will River B.O
 Project Type Mooring & dredging
 (Include codes)

PARAMETER AFFECTED	IMPACT INCREASES								COMMENTS
	NONE EXPECTED	TEMP (POS/ NEG?)	MINOR (POS/ NEG?)	MORE INFO	SIG PO?	CUM IMP	SIG NEG	CUM IMP	
PHYSICAL ENVIRONMENT									
Air Quality	✓								
Water Quality		NEG							During dredging & driving of piles - Turbidity
Ground Water	✓								
Streamflow	✓								
Geologic Hazards	✓								
Soils and/or Sediments Change	✓								
Unique Resources (Specify)	✓								
Erosion	✓								
Floodplain (Total _____, Affected _____)	✓								
Wetlands (Total _____, Affected _____)	✓								
BIOLOGIC ENVIRONMENT									
Aquatic (Acres of Shallows _____)			NEG						Minor turbidity & Benthic Organisms
Riparian									
Terrestrial									
Endangered Species									
Habitat Diversity									
Unique Habitat (Specify)									
HUMAN ENVIRONMENT									
Water Supply	✓								
Navigation	✓								Behind established harbor line
Recreation & Public Use	✓								
Energy Supply or Consumption	✓								
Historic and Cultural Impacts	✓								
Land Use/Coastal Zone Goals	✓								
Economy	✓								
Aesthetics			NEG						Additional 74 structures in waterway
Food Production	✓								
Public Health and Safety	✓								
Controversy	✓								

Dredging is a revolution of 005003

6 January 1981

REVIEW BLOCK (Initial only)
 Coordinator: WMP Date 25 Jan 81
 Environmental Specialist: WMP Date 25 Jan 81
RF-2

PROLIFERATING ENVIRONMENTAL ADDENDUM

Public Notice No. 1-00 5233
 River and Mile WILL R.
 Project Type Moorage - Wharf - Piling
 (Include codes) 56 66 58

IMPACT INCREASES →

PARAMETER AFFECTED

PHYSICAL ENVIRONMENT

Air Quality

Water Quality

Ground Water

Streamflow

Geologic Hazards

Soils and/or Sediments Change

Unique Resources (Specify)

Erosion

Floodplain (Total , Affected)

Wetlands (Total , Affected)

BIOLOGIC ENVIRONMENT

Aquatic (Acres of Shallows)

Riparian

Terrestrial

Endangered Species

Habitat Diversity

Unique Habitat (Specify)

HUMAN ENVIRONMENT

Water Supply

Navigation

Recreation & Public Use

Energy Supply or Consumption

Historic and Cultural Impacts

Land Use/Coastal Zone Goals

Economy

Aesthetics

Food Production

Public Health and Safety

Controversy

NONE EXPECTED	TEMP (POS/ NEG?)	MINOR (POS/ NEG?)	MORE INFO	SIG POS	CUM IMP	SIG NEG	CUM IMP	COMMENTS
	<i>A</i>							
	<i>A</i>							<i>- during pile driving - turbidity</i>
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
		<i>✓</i>						<i>- minor turbidity + benthic impact</i>
<i>✓</i>								
<i>✓</i>								
<i>✓</i>		<i>✓</i>						<i>- local attaching organisms</i>
<i>✓</i>								
<i>✓</i>								<i>- not helped by low tide</i>
<i>✓</i>		<i>✓</i>						<i>construction</i>
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								
<i>✓</i>								

REVIEW BLOCK (Initial only)

Coordinator: DT Date 20 DEC
 Environmental Specialist: LS Date 20 DEC

6 January 1981